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09/963,416	09/27/2001	Masahiro Numata	Q66412	8972

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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YIMAM, HARUN M

ART UNIT	PAPER NUMBER
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2623

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08/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/963,416

**Applicant(s)**

NUMATA ET AL.

**Examiner**

Harun M. Yimam

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1 - 25 have been fully considered but are moot in view of new ground(s) of rejection.
2. In response to applicants' argument (page 14, 1<sup>st</sup> paragraph) that Figure 5 of Entwistle fails to teach or suggest that a first and second program, of added programs, are displayed in a single row when the first program contends in the same time slot of the second program, applicants should note that it is the combination of Young and Entwistle that teaches the limitation as a whole. Young teaches said added program but fails to teach the rest. Entwistle teaches displaying a first break mark at a first end of the first program (refer to the FILM and MUSIC programs on channels 1 and 2 respectively). Figures 4 and 5 show that although the second program (MUSIC) starts a few minutes after 9 on Ch3, the first program (FILM) is still running at that particular moment and a first break mark at a first end of the first program is shown in figure 5 on Ch2 to indicate that the first program (FILM) overlaps a first portion of the second program (MUSIC). In addition, Entwistle teaches that said first and second programs are displayed in a single row (see the first row of figure 5 wherein FILM and MUSIC are shown on after the other on a single row).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 21, 22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mugura (US 6,243,142).

Considering claim 21, Mugura discloses a program guiding apparatus comprising:

a first table (see figure 23) for management of added program information of favorite programs of a user (column 14, line 62 – column 15, line 8);

a second table (see figure 23) for management of scheduled program information to be viewed or recorded for the user (column 14, line 62 – column 15, line 8);

a display device (electronic program guide display shown in figure 23) for displaying said added program information which are managed by said first table and said scheduled program information which are managed by said second table while arranged in a single two-dimensional program guide screen at locations corresponding

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to respective time slots along a same time axis (see figure 23, column 14, line 62 – column 15, line 8).

As for claim 22, Mugura discloses that the two-dimensional program guide screen includes a first area for displaying said added program information (see the display of the user's favorite program identified by an asterisk in figure 23) and a second area for displaying said scheduled program information (see the display of the program scheduled for recording identified by icon 2310 in figure 23), said first and second areas being displayed while distinguished from each other (column 14, line 62 – column 15, line 8).

Regarding claim 24, Mugura discloses that two-dimensional program guide screen includes areas corresponding to entry types (distinct icons i.e., 2314, 2302, 2310 and 2306) and displays said added program information in a corresponding one of said areas (see figures 7 and 23, column 6, line 50 – column 7, line 40 and column 14, line 62 – column 15, line 8).

***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. § 103(a), which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 5, 10 – 20, 23 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mugura (US 6,243,142) in view of Entwistle (EP 1028589).

Considering claims 1 and 11, Mugura discloses: A program guiding method and corresponding apparatus comprising:

a program adding device for adding desired programs (column 14, line 62 – column 15, line 8);

a program scheduling device for scheduling programs to be received (column 14, line 62 – column 15, line 8); and

a display device (electronic program guide display shown in figure 23) for displaying information about said added programs that are favorite ones for a user and programs that were desired and recorded by the user and information about said scheduled programs to be viewed or recorded for the user while arranged in a single two-dimensional program guide screen at locations corresponding to respective time slots along a same time axis (see figure 23, column 14, line 62 – column 15, line 8),

wherein the same time axis is displayed by the display device (see figure 23).

Mugura fails to specifically teach wherein a first program of said added programs and said scheduled programs has a higher priority than a second program of said added programs and said scheduled programs, and wherein, when the first program contends in a same time slot of the second program, said display device displays a first break mark at a first end of the first program to indicate that the first program overlaps a first portion of the second program and, that the first program and the second program are displayed in a single row.

In an analogous art, Entwistle discloses wherein a first program (film continues, fig. 5) of said added programs and said scheduled programs has a higher priority (film is a higher priority because is viewed even though the music program has started) than a second program (music, fig. 5) of said added programs and said scheduled programs [0015] and wherein, when the first program contends in a same time slot of the second program (the film program continues into music time slot), said display device displays a first break mark at a first end of the first program (the first part of the slant at the end of film continues) to indicate that the first program overlaps a first portion of the second program ([0015]; [0005-0006]; [0009]; [0012-0013]) and that the first program and the second program are displayed in a single row (fig. 5, top row).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Mugura 's system to teach wherein a first program of said added

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programs and said scheduled programs has a higher priority than a second program of said added programs and said scheduled programs, and wherein, when the first program contends in a same time slot of the second program, said display device display a first break mark at a first end of the first program to indicate that the first program overlaps a first portion of the second program, as taught by Entwistle, so as to illustrate to the viewer the extent of delay and overlap of programming times.

As to claim 2, it is met by the combination of Mugura and Entwistle. In particular, Mugura discloses: said program scheduling device schedules programs selected from said programs added by said program adding device (column 14, line 62 – column 15, line 8).

With regards to claim 3, it is met by the combination of Mugura and Entwistle. In particular, Mugura discloses that the two-dimensional program guide screen includes a first area for displaying said added program information (see the display of the user's favorite program identified by an asterisk in figure 23) and a second area for displaying said scheduled program information (see the display of the program scheduled for recording identified by icon 2310 in figure 23), said first and second areas being displayed while distinguished from each other (column 14, line 62 – column 15, line 8).



With regards to claims 4 and 23, Mugura discloses that each of said first program table and said second program table allows a plurality of program information (program titles) to be added (column 14, line 62 – column 15, line 8).

Mugura fails to teach that said plurality of program information contending in whole or part of a time slot; and even if a plurality of said added program information or said scheduled program information contends in whole or part of said time slot, said display device displays each of said contending program information in said two-dimensional program guide screen in a visually recognizable manner.

In an analogous art, Entwistle discloses that said plurality of program information contending in whole or part of a time slot (see figs. 3 – 5), and even if a plurality of said added program information or said scheduled program information contends in whole or part of said time slot (the film program continues into music time slot), said display device displays each of said contending program information in said two-dimensional program guide screen in a visually recognizable manner (the first part of the slant at the end of FILM continues to indicate that the first program overlaps a first portion of the second program—see figs. 3 – 5).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Mugura's system to teach displaying contending program information in said two-dimensional program guide screen in a visually recognizable

manner, as taught by Entwistle, so as to illustrate to the viewer the extent of delay and overlap of programming times.

Considering claim 5, it is met by the combination of Mugura and Entwistle. In particular, Mugura discloses that two-dimensional program guide screen includes areas corresponding to entry types (distinct icons i.e., 2314, 2302, 2310 and 2306) and displays said added program information in a corresponding one of said areas (see figures 7 and 23, column 6, line 50 – column 7, line 40 and column 14, line 62 – column 15, line 8).

As to claim 10, it is met by the combination of Mugura and Entwistle. In particular, Mugura discloses that said programs are added via a two-dimensional program guide including a time axis and a channel axis for displaying a plurality items of program information (see figure 23 and column 14, line 62 – column 15, line 8).

With regards to claim 12, it is met by the combination of Mugura and Entwistle. In particular, Entwistle discloses: said added programs and said schedule programs comprise a first favorite program ('favorite' is defined as 'One that enjoys special favor or regard'; the film continues program enjoys special regard over programs such as sports since the user has chosen to view film continues, fig. 5) and a second favorite program (music is a second favorite program since it is chosen to be viewed over other programs, fig. 5), wherein the first favorite program and the second favorite program

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contend in the same time slot (film continues and music overlap in the time slot, fig. 5), and wherein said display device displays the first favorite program and the second favorite program in the single row (fig. 5, top row) and displays slants (diagonal running through 9:00) that inform a user that the first favorite program contents with the second favorite program ([0015]; [0005-0006]; [0009]; [0012-0013]).

Regarding claims 13 and 16, they are met by the combination of Mugura and Entwistle. In particular, Entwistle discloses: The first end of the first program comprises a beginning of the first program (film continues, fig. 5), wherein the first portion of the second program is transmitted after the beginning of the first program (music transmitted after film continues, fig. 5), and wherein the first break mark (diagonal running through 9:00, fig. 5) indicates that the first program overlaps the first portion of the second program that is transmitted after the beginning of the first program ([0015]; [0005-0006]; [0009]; [0012-0013]).

Considering claims 14 and 17, they are met by the combination of Mugura and Entwistle. In particular, Entwistle discloses: the first end of the first program comprises an ending of the first program (film continues, fig. 5), wherein the first portion of the second program is transmitted before the ending of the first program (music transmitted before film ends), and wherein the first break mark indicates that the first program overlaps the first portion of the second program that is transmitted before the ending of the first program ([0015]; [0005-0006]; [0009]; [0012-0013]).

As to claims 15 and 18, they are met by the combination of Mugura and Entwistle. In particular, Entwistle discloses: said display device display a second break mark at an ending of the first program (tail end of diagonal of film continues program) to indicate that the first program overlaps a second portion of the second program (tail end of film continues overlaps music program), wherein the second portion of the second program is transmitted before the ending of the first program (second portion of music transmitted before end of film continues), and wherein the second break mark indicates that the first program overlaps the second portion of the second program that is transmitted before the ending of the first program ([0015]; [0005-0006]; [0009]; [0012-0013]).

With regards to claims 19 and 20, they are met by the combination of Mugura and Entwistle. In particular, Entwistle discloses that said display device displays the first break mark at the first end of the first program without adjusting a viewing time at which the time slot of the second program indicates that the second program is to be viewed (Entwistle—figures 4 and 5 show that the viewing time of the second program is not adjusted - [0015]; [0005-0006]; [0009]; [0012-0013]).

Considering claim 25, Mugura it is rejected in the same manner as claim 1 above.

7. Claim 6 – 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mugura (US 6,243,142) in view of Entwistle (EP 1028589), as applied to claim 1 above, and further in view of Young (US 2005/0044567).

As to claim 6, Mugura and Entwistle disclose a program adding device for adding desired programs for a particular user (Mugura—column 14, line 62 – column 15, line 8).

Mugura and Entwistle fail to disclose that each of said entry types is dedicated to a different user.

In analogous art, Young discloses that each of said entry types is dedicated to a different user (each different user can record a different program [0046]; [0043]; [0067]).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Mugura and Entwistle to teach entry types is dedicated to a different user, as taught by Young, for the benefit of allowing each different user to record a different program according to their preference.

With regards to claim 7, Mugura and Entwistle disclose a program adding device for adding desired programs and display them in a visually recognizable manner (Mugura—see figure 23 and column 14, line 62 – column 15, line 8).

Mugura and Entwistle fail to disclose that said programs displayed while arranged in said two-dimensional program guide screen is moved in a visually recognizable manner to change said added programs to said scheduled programs and said scheduled programs to said added programs.

In analogous art, Young discloses that said information about said programs displayed while arranged in said two-dimensional program guide screen is moved in a visually recognizable manner to change said added programs to said scheduled programs and said scheduled programs to said added programs [0111-0113].

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Mugura and Entwistle to teach moving said programs in a visually recognizable manner to change said added programs to said scheduled programs and said scheduled programs to said added programs, as taught by Young, for the benefit of organizing said programs for display according to their user preferred category.

Regarding claim 8, Mugura and Entwistle disclose a program adding device for adding desired programs and display them in a visually recognizable manner (Mugura—see figure 23 and column 14, line 62 – column 15, line 8).

Mugura and Entwistle fail to disclose that if said information about said added programs contends with said information about said scheduled programs in whole or

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part of a time slot, said information about said added programs and said information about said scheduled programs, which are displayed while arranged in said two-dimensional program guide screen, are exchanged in a visually recognizable manner to change said added programs to said scheduled programs and said scheduled programs to said added programs

In analogous art, Young discloses that if said information about said added programs contends with said information about said scheduled programs in whole or part of a time slot, said information about said added programs and said information about said scheduled programs, which are displayed while arranged in said two-dimensional program guide screen, are exchanged in a visually recognizable manner to change said added programs to said scheduled programs and said scheduled programs to said added programs ([0111-0113]).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Mugura and Entwistle to teach exchanging programs in a visually recognizable manner to change said added programs to said scheduled programs and said scheduled programs to said added programs, as taught by Young, for the benefit of consistently updating said programs for display according to their user preferred category.

Considering claim 9, Mugura and Entwistle disclose a program adding device for adding desired programs and display them in a visually recognizable manner (Mugura—see figure 23 and column 14, line 62 – column 15, line 8).

Mugura and Entwistle fail to disclose that if said information about said added programs contends with said information about said scheduled programs in whole or part of a time slot, said information about said added programs is combined with said information about said scheduled programs, both of which are displayed while arranged in said two-dimensional program guide screen, in a visually recognizable manner to change said added programs to said scheduled programs.

In analogous art, Young discloses that if said information about said added programs contends with said information about said scheduled programs in whole or part of a time slot, said information about said added programs is combined with said information about said scheduled programs, both of which are displayed while arranged in said two-dimensional program guide screen, in a visually recognizable manner to change said added programs to said scheduled programs (fig. 1, [0063]).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Mugura and Entwistle to teach combining said information about said added programs with said information about said scheduled programs in a visually recognizable manner to change said added programs to said



scheduled programs, as taught by Young, for the benefit of consistently updating said programs for display according to their user preferred category.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HMY

  
ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER